

Applicant: Ridwan Shabsigh
Serial No.: 10/658,991
Filed: September 9, 2003
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REMARKS

Claims 9, 10 and 12-21 are pending in the subject application. Applicant has herein amended claims 9, 14 and 18 to clarify his invention. Upon entry of this Amendment, claims 9, 10 and 12-21 will be pending.

Support for amended claims 9, 14 and 18 may be found, *inter alia*, in the specification as follows: Claim 9: page 13, lines 17-24; page 11, lines 28-33; page 13, lines 5-11; and page 13, line 34 through page 14, line 1; Claim 14: page 13, lines 17-24; page 14, lines 23-30; page 29, lines 9-13; page 13, lines 5-11; and page 13, line 34 through page 14, line 1; Claim 18: page 13, lines 17-24; page 11, lines 28-33; page 13, lines 5-11; and page 13, line 34 through page 14, line 1.

Rejections Under 35 U.S.C. § 112, first paragraph

Written Description

The Examiner rejected claims 14-17 as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleged that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner alleged that the subject specification only describes increasing the levels of VEGF for treating erectile dysfunction or for increasing/maintaining blood supply.

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In response, without conceding the correctness of the Examiner's position, applicant has amended claim 14 to recite that the subject is afflicted by erectile dysfunction and the cell is a cell of the corpora cavernosa of the subject's penis. Therefore, the subject matter of amended claim 14, and claims 15-17 which depend from amended claim 14, are described in the subject application as acknowledged by the Examiner. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the amendments to the claims set forth above.

Enablement

The Examiner rejected claims 9, 10 and 12-21 as allegedly failing to comply with the enablement requirement. Specifically, the Examiner alleged that the specification does not enable a person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with the claims. The Examiner acknowledged that the specification is enabling for methods of increasing the amount of VEGF or increasing/maintaining blood supply, in a penis, wherein the subject is suffering from erectile dysfunction, comprising administration of a vector encoding VEGF into the corpora cavernosa, wherein the VEGF is expressed in the corpora cavernosa, thereby increasing or maintaining the blood supply in the corpora cavernosa.

In response, without conceding the correctness of the Examiner's position, applicant notes that claims 9 and 14 have been amended to recite that the subject is afflicted by

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erectile dysfunction. Further, claims 9, 14 and 18 have been amended to recite that the cell is a cell of the corpora cavernosa of the subject's penis. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the amendments to the claims set forth above.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the submission of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
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